

April 20, 2006

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
April 20, 2006

I. OPENING OF MEETING AT 9:02 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; and Jan Oncken, Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 16, 2006

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD MARCH 16, 2006. CHAIRMAN KOLKER ABSTAINED.**

April 20, 2006

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	147.....	9
Agriculture .....	480.....	17
Arts Council.....	21.....	1
Capitol Development Board .....	27.....	0
Central Management Services .....	1,656.....	120
Children and Family Services.....	3,319.....	41
Civil Service Commission .....	4.....	0
Commerce & Econ. Opportunity .....	454.....	62
Commerce Commission.....	42.....	0
Corrections.....	13,920.....	117
Criminal Justice Authority .....	75.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	11.....	1
Emergency Management Agency .....	106.....	1
Employment Security.....	1,787.....	26
Environmental Protect. Agency .....	1,068.....	17
Fin. & Prof. Regulation.....	802.....	44
Guardianship and Advocacy .....	109.....	6
Healthcare and Family Services.....	2,231.....	29
Historic Preservation Agency .....	251.....	12
Human Rights Commission .....	11.....	2
Human Rights Department .....	130.....	8
Human Services .....	14,833.....	61
Investment Board.....	4.....	2
Labor.....	73.....	7
Labor Relations Board Educational .....	16.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State .....	18.....	2
Law Enforce. Trng. & Standard Bd. ....	22.....	1
Medical District Comm.....	2.....	0
Military Affairs .....	143.....	3
Natural Resources .....	1,415.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	23.....	0
Property Tax Appeal Board .....	23.....	2
Public Health.....	1,120.....	36
Revenue .....	2,013.....	56
State Fire Marshal.....	144.....	9
State Police .....	1,461.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	83.....	1
Transportation.....	3,961.....	1
Veterans Affairs .....	1,174.....	4
Workers Comp. Commission.....	170.....	10
TOTALS .....	53,387.....	754

**B. Governing Rule - Jurisdiction B Exemptions**

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  - 1. The Governor, or
  - 2. A departmental director or assistant director appointed by the Governor, or
  - 3. A board or commission appointed by the Governor, or
  - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
  
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.
  - 4. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  - 5. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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**C. Requests for 4d(3) Exemption**

- With regard to Item C, Executive Director Daniel Stralka reported that the overlapping position at CMS has been abolished. Therefore, this position now satisfies the criteria for exemption. Commissioner George Richards inquired as to the reporting structure of the Department of Human Services in general and its conformity with Commission rules. Executive Director Daniel Stralka noted that this position is twice removed from the Secretary, but past actions of the Commission approved exemption of such positions when there was a position the equivalent of an Assistant Director in the chain of command. Therefore, staff recommends exemption of the Director, Office of Business Services position.
- With regard to Item D, Executive Director Daniel Stralka reported that this is the only such position in the umbrella agency that reports to the Secretary. Therefore, staff recommends exemption of the Policy Advisor position.
- With regard to Item E, Executive Director Daniel Stralka reported that, consistent with past decisions of the Commission, staff recommends exemption of the General Counsel position.
- With regard to Item F, Executive Director Daniel Stralka reported the Illinois State Fire Marshal withdrew their exemption request.
- With regard to Item G, Executive Director Daniel Stralka reported that, consistent with past decisions of the Commission, staff recommends exemption of the Chief Labor Relations Director position.
- With regard to Item H, Executive Director Daniel Stralka reported that his inquiry revealed that the responsibilities of this position had been assumed by the Assistant Director, thus diminishing the principality required of exempt positions. For this reason, staff recommends rescission.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 5-0 TO GRANT OR RESCIND THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

April 20, 2006

**The following 4d(3) requests for exemption were granted at the April 20, 2006 meeting:**

Illinois Department of Human Services

Position Number: 40070-10-10-000-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Office of Business Services  
Functional Title: Director of the Office of Business Services  
Incumbent: None  
Supervisor: Chief Operations Officer (Reports to the Secretary)  
Location: Sangamon County

Illinois Department of Financial and Professional Regulation

Position Number: 40070-13-00-100-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Secretary's Office-Policy & Community Relations  
Functional Title: Policy Advisor  
Incumbent: None  
Supervisor: Secretary  
Location: Cook County

Illinois Department of Veterans' Affairs

Position Number: 40070-34-00-200-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Legal Affairs  
Functional Title: Chief Legal Counsel  
Incumbent: None  
Supervisor: Director  
Location: Sangamon County

Illinois Department of Revenue

Position Number: 40070-25-00-000-20-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Labor Relations Division  
Functional Title: Chief Labor Relations Director  
Incumbent: None  
Supervisor: Director  
Location: Sangamon County

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**The following 4d(3) exemption rescission was approved at the April 20, 2006 meeting:**

Illinois Department of Commerce and Economic Opportunity

Position Number: 40070-42-10-000-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Bureau of Economic Development  
Functional Title: Deputy Director  
Incumbent: None  
Supervisor: Director  
Location: Cook

V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>PETERSON</b>	<b>YES</b>	<b>KOLKER</b>	<b>YES</b>
<b>EWELL</b>	<b>YES</b>	<b>BUKRABA</b>	<b>YES</b>
<b>RICHARDS</b>	<b>YES</b>		

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VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Chicago, Illinois at 10:10 a.m.

PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of March 31, 2006.

Agency	2/28/06	3/31/06
Aging	2	0
Agriculture	1	8
Arts Council	9	1
Central Management Services	1	3
Children and Family Services	1	8
Commerce and Economic Opportunity	1	2
Emergency Management Agency	2	1
Environmental Protection Agency	5	0
Financial and Professional Regulation	0	2
Healthcare and Family Services	5	8
Human Services	3	5
Natural Resources	1	3
Property Tax Appeal Board	0	1
Transportation	34	60
Veterans Affairs	2	2
Totals	<b>67</b>	<b>104</b>

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **LAYOFF APPEAL**

**LA-51-05**

Petitioner	Olga Aranzubia	Appeal Date	1/28/05
Agency	DNR	Decision Date	3/29/06
Type	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No violation.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO REMAND THIS MATTER TO THE ADMINISTRATIVE LAW JUDGE FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE.**

- **LAYOFF APPEAL**

**LA-54-05**

Petitioner	Charlene Powers	Appeal Date	1/20/05
Agency	Agriculture	Decision Date	3/29/06
Type	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No violation.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THE PETITIONER HAS NOT PROVED BY A PREPONDERANCE OF THE EVIDENCE THE ALLEGATIONS CONTAINED WITHIN THE LAYOFF APPEAL.**

<b>KOLKER</b>	<b>YES</b>	<b>RICHARDS</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

- **SUSPENSION APPEAL**

**S-24-06**

Petitioner	Kirstin Henderson	Appeal Date	11/10/05
Agency	CMS	Decision Date	04/06/06
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Unauthorized Absences	Recommended Decision	Charges partially proven but Respondent disproved the matter by the same quantity of evidence; therefore, no discipline to be imposed in this matter.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN BUT THE PETITIONER HAS DISPROVED THE MATTER ASSERTED BY THE SAME QUANTITY OF EVIDENCE. THEREFORE, DISCIPLINE MAY NOT BE IMPOSED IN THIS MATTER.**

<b>KOLKER</b>	<b>YES</b>	<b>RICHARDS</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

- **SUSPENSION APPEAL**

**S-32-06**

Petitioner	George Guidish	Appeal Date	2/03/06
Agency	DOC	Decision Date	4/05/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Left assigned post to attend a grievance meeting	Recommended Decision	Charges proven but unique circumstances warrant 5-day in lieu of 30-day suspension.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-1 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES HAVE BEEN PROVED, BUT THE UNIQUE FACTUAL CIRCUMSTANCES SURROUNDING THE DISCIPLINE DO NOT RISE TO THE LEVEL WARRANTING THE IMPOSITION OF A 30-DAY SUSPENSION. IT IS RECOMMENDED THAT FOR DISCIPLINARY PURPOSES SAID PROVEN CHARGES WARRANT A 5-DAY SUSPENSION.**

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<b>KOLKER</b>	<b>YES</b>	<b>RICHARDS</b>	<b>NO</b>
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

IX. APPEALS TERMINATED WITHOUT DECISION

• WITHDRAWN

RV-11-06

Respondent	Donald Harris	Appeal Date	8/15/05
Agency	DHR	Decision Date	3/14/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Proposed Finding	Withdrawn; dismissed subject to Commission approval.

• DISMISSAL

DA-15-06

Respondent	Jeff Kruger	Appeal Date	9/09/05
Agency	DOC	Decision Date	4/05/06
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to return to work within 5 days after expiration of date of leave	Recommended Decision	Settlement; dismissed subject to Commission approval.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING AND RECOMMENDED DECISION DISMISSING THE APPEALS OF THE PETITIONERS, DONALD HARRIS AND JEFF KRUGER.**

<b>KOLKER</b>	<b>YES</b>	<b>RICHARDS</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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- **DISMISSAL**

**RV-29-06**

Petitioner	AFSCME	Appeal Date	1/03/06
Agency	DHS	Decision Date	3/28/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Proposed Finding	Default-failure to provide information; dismissed subject to Commission approval.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION ADOPTED 5-0 TO GRANT ADDITIONAL TIME TO FILE A RESPONSE TO THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING DISMISSING THE APPEAL.**

X. **AMENDMENTS IN CLASS SPECIFICATIONS**

**The Director of Central Management Services submitted the following class titles for revision:**

**Current Position Title**

Staff Development Specialist I (revise)

Corrections Academy Trainer (abolish)

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 5-0 TO APPROVE THE REVISION AND ABOLISHMENT OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MAY 1, 2006.**

**Staff Development Specialist I (revise)**

**Corrections Academy Trainer (abolish)**

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

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XI. STAFF REPORT

Executive Director Daniel Stralka reported that:

- Statements of Economic Interest are due May 1, 2006;
- Some Ethics Training materials were still outstanding;
- The Benefit Choice period runs from May 1-31, 2006;
- The FCIAA Checklist was certified to the Auditor General;
- He has contracted to have the remainder of the Chicago office painted;
- Beckie Daniken, secretary to the Executive Director, attended a Green Government Symposium on April 19, 2006 as the agency's representative; and
- He and Assistant Executive Director Andrew Barris attended a Labor Law and Arbitration Seminar in Chicago the previous week.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Wednesday, May 17, 2006 at 10:30 a.m. in the Commission's Springfield office.

XIII. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 10:25 A.M.**